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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,920	12/23/1999	KAMERAN AZADET	10-2	8106

7590 06/22/2004

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EXAMINER

PHU, PHUONG M

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/471,920

Applicant(s)

AZADET ET AL.

Examiner

Phuong Phu

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): rejections, under 35 USC 103, to claims 24, 31-36, 56 and 57.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 13-16, 18-21, 23-27, 29-36, 38, 50, 51, 53, 54, 56, 57 and 59.Claim(s) objected to: 2 and 4.Claim(s) rejected: 1, 3, 5-9-11, 47 and 48.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: Attachment

PHUONG PHU
PRIMARY EXAMINER*Phuong Phu 6/17/04*
Phuong Phu
Primary Examiner
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Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument with respect to claims 1, 11 and 47 are not persuasive. See Attachement for explanations.

ATTACHMENT

This Attachment is responsive to the Applicant's Response filed on 6/4/04.

Applicant's arguments filed on 6/4/04 have been fully considered but they are not, in part, persuasive.

Applicant's arguments with respect to claims 24 and 56 are persuasive. The claims and their dependent claims are now indicated allowable.

Applicant's arguments with respect to claims 1, 11 and 47 are not persuasive. The applicant mainly argues that Zong et al (5,970,104) does not disclose the claimed method or the claimed device. The examiner respectfully disagrees. Note that the rejections are based on the limitations given in the claims.

Regarding to claim 1, in comparison with Zong et al:

-step of "precomputing branch metrics for speculative sequences of one or more channel symbols" is considered disclosed by Zong et al step (120) (see figure 1) wherein the step (120) precomputes branch metrics for received sequences of symbols (106) of a channel and stores in memory (334) (see figure 3A) for a future use. Note that "speculative" in the claim is not given any inventive weight and the "speculative sequences" is therefore considered just as "sequences", as being disclosed by Zong et al sequences of symbols (106) because the claim does not have other limitations showing how the "speculative sequences" is formed or looks like to show the characteristic "speculative" in order to make it distinguishable from Zong et al. Further in regarding to the step, even though the applicant attempted to point out differences between the claimed "precomputing branch metrics" and Zong et al's, limitations showing such differences are not recited in the claim;

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-step of “selecting one of said precomputed branch metrics based on at least on decision from at least one corresponding state” is disclosed by Zong et al step (112, 120) (see figure 1) wherein step (120) selects one of said precomputed branch metrics based on a decision signal (121) to decide which of precomputed branch metrics to be selected, and further, the decision signal (121) indicates a corresponding state of 4 possible states (see figures 2 and 3b, col. 3, lines 8-14, 29-36, and col. 5, lines 20-22); and

-step of “selecting a path having a best path metric for a given of state” is disclosed by Zong et al step (114, 123) (see figures 1 and 2, and col. 2, lines 63-67, col. 3, lines 9-20, 39-55).

Claim 47 is rejected with similar reasons set forth above for claim 1.

Regarding to claim 11, in comparison with Zong et al, the limitation “said decisions from a corresponding state is a survivor symbol” is disclosed by Zong et al decision signal (121) as being a 2-bit symbol (b2,b1) (see figure 1 and 3b) wherein the decision signal (121) makes decisions for means (120, 112) for select a branch metric corresponding to a state of 4 possible states that the decision signal indicates. Further, note that “survivor” in the claim is not given any inventive weight and the “survivor symbol” is therefore considered just as “symbol”, as being disclosed by Zong et al decision signal (121) because the claim does not have other limitations showing how or under what process, the “survivor symbol” is formed to show the characteristic “survivor” in order to make it distinguishable from symbol (b2, b1) of the Zong et al decision signal (121).

Based on the above rationale, it is believed that the limitations of claims 1, 11 and 47 are still met and therefore, the rejections are still maintained.

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06/17/04

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